Commissioner for Patents

REMARKS

Claims 1-10 remain in the application.

Claim 1 is herein amended.

In Item 1 of the Office action, the Examiner provides a Response to arguments, and maintains in Item 3 the rejection of claim 1 under 35 U.S.C. 102(e), *inter alia*, in view of Sati.

While not admitting the appropriateness of the 35 U.S.C. 102(e) rejection in terms of dates of invention, the applicants provide herein amendments to the claims to add limitations pertaining to technical differences between Sati and the subject matter of the present disclosure. The amendments are fully supported by the application as filed, for instance in paragraphs [0068] to [0077].

The amendments are made to independent claim 1, to emphasize that the implant insertion is determined using a digital model of a geometry of the tooling end of the rasp. More specifically, knowing the virtual geometry of the tooling end of the rasp, alterations being made to the femur are calculated as they are performed by the rasp, by the tracking of the rasp. It is therefore possible to determine how the implant would fit when implanted in the femur knowing the alterations being produced in the bone.

Sati fails to teach using the geometry of tools to calculate alterations as they are made on a bone. Accordingly, as it features limitations not taught by Sati, claim 1 is deemed to patentably distinguish over Sati.

In view of the above amendments and remarks, this application is considered to be in condition for allowance, and early notice to that effect is earnestly solicited.

Respectfully submitted,
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By:

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(Date)

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